

Message Text

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ORIGIN ORM-01

INFO OCT-01 EUR-12 IO-10 ISO-00 SR-02 VO-03 SCA-01 INSE-00

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FM SECSTATE WASHDC

TO AMEMBASSY BRUSSELS PRIORITY

USMISSION GENEVA

INFO AMCONSUL FRANKFURT PRIORITY

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E.O. 11652: N/A

TAGS: SREF, BE

SUBJECT: EX-SOVIET REFUGEES IN BELGIUM

REF: BRUSSELS 0765

1. DEPARTMENT WILL RAISE MATTER REPORTED REFTEL AT APPROPRIATE LEVEL WITH OFFICERS OF INS CENTRAL OFFICE. FOR USE IN OUR DISCUSSION CAN EMBASSY OR U.S. MISSION FURNISH ESTIMATE OF NUMBER OF APPLICANTS NOTIFIED OF REFUSAL OF CONDITIONAL ENTRY APPLICATION TOGETHER WITH ESTIMATE OF NUMBER OF APPLICATIONS APPROVED, IF ANY.

2. FYI - INS CENTRAL OFFICE RECENTLY CIRCULATED TO DISTRICT DIRECTORS ABROAD OPINION WRITTEN BY INS GENERAL COUNSEL ON SUBJECT OF CONDITIONAL ENTRY ELIGIBILITY OF SOVIET JEWS WHO INITIALLY EMIGRATED TO ISRAEL. THIS OPINION SETS FORTH PROVISIONS OF ISRAEL'S LAW OF RETURN, PROVIDES INFORMATION ON ACQUISITION OF ISRAELI NATIONALITY, DISCUSSES APPLICATION OF LAW TO SOVIET EMIGRES, THE
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SIGNIFICANCE OF POSSESSION OF ISRAELI PASSPORTS AND THE

ISSUE OF DETERMINATION OF FIRM RESETTLEMENT. THE CONCLUSION
REACHED IN THIS OPINION IS SET FORTH AS FOLLOWS:

"IT IS MY OPINION THAT IN THE ABSENCE OF AN OVERT ACT
SIGNIFYING ACCEPTANCE OF ISRAELI NATIONALITY, ITS
INVOLUNTARY ACQUISITION NEITHER PRECLUDES A JEW FROM THE
SOVIET UNION FROM ELIGIBILITY FOR CONDITIONAL ENTRY NOR

CONSTITUTES EVIDENCE IN ITSELF OF FIRM RESETTLEMENT.
FURTHER, IT IS MY OPINION THAT ADMISSION TO ISRAEL AS AN
IMMIGRANT UPON THE INDIVIDUAL'S APPLICATION CREATES A
PRESUMPTION OF FIRM RESETTLEMENT, THAT THE PRESUMPTION IS
REBUTTABLE, AND THAT A CONDITIONAL ENTRY APPLICANT WHO
CLAIMS THAT HE CAN PROVE THAT HE WAS NOT FIRMLY RESETTLED
SHOULD BE GIVEN AN OPPORTUNITY TO PRESENT HIS EVIDENCE."

3. STATEMENT REQUESTED REFTEL WILL BE PROVIDED AS SOON AS
POSSIBLE. KISSINGER

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